

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.32073 of 2021**

Arising Out of PS. Case No.-267 Year-2019 Thana- RANIYATALAB District- Patna

RAKESH KUMAR SON OF MADANDHARI SHARMA Resident of Village  
- Raghunathpur, P.S.- Rani Talab, Kanpa, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pushpendra Priyedarshi, Advocate  
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA  
ORAL ORDER**

3      21-07-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Let the defect(s), if any, be removed within a period  
of four weeks.

The petitioner apprehends his arrest in a case  
registered for the offence punishable under Section 30(a) of the  
Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent.

Allegation is of recovery of 30 litres of liquor from a  
plastic bag which was kept on a motorcycle and one Ajay Yadav  
was arrested.

Learned counsel for the petitioner submits that  
petitioner was not arrested from the spot, as such, nothing was  
recovered from his conscious possession and he came to be



implicated merely because he is alleged to be the owner of the motorcycle but the petitioner had already sold his motorcycle to one Santosh Kumar and he had sold the same to one Ajay Yadav. It is next submitted that since the papers were not transferred in his name in the meantime Ajay Yadav was misused the same for the said illegal purpose.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Rani Talab P.S. Case No. 267 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

Kundan/-

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